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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re: ENRON CREDITORS RECOVERY CORP., <i>et al.</i> ,  Reorganized Debtors.	Chapter 11 Case No. 01-16034 (AJG)  Jointly Administered
ENRON CREDITORS RECOVERY CORP.,  Plaintiff,  v.  INTERNATIONAL FINANCE CORP., <i>et al.</i> ,  Defendants.	Adversary Proceeding No. 03-93370 (AJG)

**DESIGNATION OF ADDITIONAL  
ITEMS TO BE INCLUDED IN RECORD ON APPEAL  
AND COUNTER-STATEMENT OF ISSUES INVOLVED**

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure,  
Caisse de Dépôt et placement du Québec ("Caisse") and National Australia Bank  
("NAB"), by their undersigned attorneys, hereby submit the following designation of  
additional items to be included in the record on appeal and counter-statement of issues  
involved in the appeal by Enron Creditors Recovery Corp. ("Enron") to the District Court  
for the Southern District of New York, from the order and the corresponding judgment of

the Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) entered by the Bankruptcy Court in the above-captioned adversary proceeding on June 5 and August 9, 2006, respectively.

**Designation of Additional Items to be Included in the Record on Appeal**

In addition to each of the documents designated by Enron in its Designation of Items to be Included in Record on Appeal and Statement of Issues to be Presented on Appeal (Docket No. 162, Bankruptcy Court Docket), Caisse and NAB hereby designate the following documents:

<b><u>Docket No.</u></b> <sup>1</sup>	<b><u>Description</u></b>
19	So Ordered Stipulation signed on 2/26/2004 dismissing complaint against defendant Metropolitan West Capital Management
22	So Ordered Stipulation signed on 3/23/2004 dismissing adversary proceeding against International Finance Corporation and European Bank for Reconstruction and Development
31	Defendant Dexia Bank’s Motion to Dismiss Adversary Complaint
32	Motion to Dismiss Adversary Proceeding filed by Investkredit Bank AG
33	Declaration of Dr. Walter Anscherger in Support of Motion to Dismiss
34	Notice of Motion to Dismiss Complaint filed by Investkredit Bank AG
36	Motion to Dismiss Adversary Proceeding filed by Nationwide Life Insurance Company
37	Motion to Dismiss Adversary Proceeding filed by Banque Generale du Luxembourg S.A., Bear, Stearns & Co. Inc., Ensign Peak Advisors, Natexis Banques Populaires and Investkredit Bank AG

<sup>1</sup> The exhibit(s) attached to each document designated herein are included in the record on appeal.

38	Memorandum of Law of Defendants Bear, Stearns & Co. Inc., Banque Generale Du Luxembourg S.A., Ensign Peak Advisors, Investkredit Bank A.G. and Natexis Banques Populaires in Support of Their Motion to Dismiss
63	Affidavit Pursuant to Fed.R.Civ.P. 55(a) for Clerk's Entry of Default
64	Affidavit Pursuant to Fed.R.Civ.P. 55(a) for Clerk's Entry of Default
65	Affidavit Pursuant to Fed.R.Civ.P. 55(a) for Clerk's Entry of Default
67	Clerk's Entry of Default entered against the defendant CDC Investment Management Corp.
68	Clerk's Entry of Default entered against the defendant National Australia Bank
69	Clerk's Entry of Default entered against the defendant Protective Life
76	Order Granting Default Judgment
77	So Ordered Stipulation and Order setting aside the entry of default against Protective Life Corporation
80	Motion of Defendant Protective Life Corporation to Dismiss the Adversary Proceeding
81	Notice of Motion of Defendant Protective Life Corporation to Dismiss the Adversary Proceeding
84	Enron Corp's Motion for an Order Pursuant to Federal Rule of Bankruptcy Procedure 9019 Approving Stipulation of Settlement with Defendant Investkredit Bank A.G.
92	Amended So Ordered Stipulation and Order signed on 3/31/2005 between Enron Corp. and Investkredit Bank A.G. providing for settlement of adversary proceeding and limited releases
93	So Ordered Stipulation dismissing action against Investkredit Bank A.G.
99	Enron Corp.'s Motion for an Order Pursuant to Fedr. Rule of Bankruptcy Procedure 9019 Approving Stipulation of Settlement with Defendant Banque Generale Du Luxembourg, S.A.
102	So Ordered Stipulation and Order between the Plaintiff Enron Corp. and Defendant National Australia Bank regarding motion to dismiss
106	So Ordered Stipulation and Order between Enron Corp. and Banque Generale du Luxembourg, S.A. providing for the settlement of adversary proceeding
110	Answer to Complaint filed by Berkeley Capital Management, LLC

127	Opinion Granting Defendants' Motions to Dismiss Complaint
129	Errata Order Regarding Opinion Granting Defendants' Motions to Dismiss Complaint
136	Affidavit of Service by Brooke Filler
141	Judgment signed on 8/9/2006
148	Notice of Appearance
150	Order admitting David M. Stern, Esq. to practice <i>pro hac vice</i>
151	Order admitting Stacia A. Neeley, Esq. to practice <i>pro hac vice</i>
152	Order admitting Lee R. Bogdanoff, Esq. to practice <i>pro hac vice</i>
155	Notice of Dismissal of Action Against AP Funding
157	Notice of Withdrawal and Substitution of Counsel
158	So Ordered Notice of Substitution of Counsel

### **Counter-Statement of Issues Involved in this Appeal**

The issues involved in this appeal are:

1. Whether this appeal should be dismissed for Enron's failure to file a timely notice of appeal from the order and judgment of the Bankruptcy Court.<sup>2</sup>
2. Whether a debtor that seeks to recover an alleged fraudulent transfer from a subsequent transferee under 11 U.S.C. 550(a), which provides, in pertinent part, that "to the extent that a transfer is avoided under [certain sections] of this title, the trustee may recover...the property transferred...from [a subsequent transferee]," must first avoid the transfer against the initial transferee of that transfer?

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<sup>2</sup> Caisse and NAB intend to pursue the dismissal of this appeal by separate motion.

Dated: New York, New York  
July 9, 2007

Respectfully submitted,

/s/ Stephen J. Shimshak  
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